THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.10655 OF 2006

Date: 31.05.2006

Between:

Nimmakuru Kamalarao.

…. Petitioner

and

The Sub Collector (Assignments), Krishna District, Vijayawada

&others.

… Respondents.

O R D E R:

The petitioner states that his father late Aseervadam was an Ex-serviceman and in that capacity he was assigned an extent of Ac.0.94 cents of land in survey No.320/1 of Pottipadu village, Unguturu mandal, Krishna district, on 16.07.1975. It is the case of the petitioner that the Government issued G.O.Ms.No.1117, dated 11.11.1993, observing that the Ex-servicemen are permitted to sell the land after expiry of ten years from the date of assignment.

The petitioner states that he is in dire need of money to perform the marriage of his daughter and for that purpose he intended to sell the land. He states that the Sub-Registrar, Gannavaram, the fourth respondent, is insisting on obtaining permission from the Mandal Revenue Officer for sale of the land and in that context, he made a representation, dated 17.04.2006, and seeks appropriate direction to the third respondent for disposal of the same.

Heard the leaned counsel for the petitioner and the learned Government Pleader for Revenue.

From a perusal of the orders in G.O.Ms.No.1117, dated 11.11.1993, it is evident that the Government had permitted the sale of lands assigned to the Ex-servicemen, after expiry of ten years from the date of assignment. Neither the G.O. nor any law provides for grant of permission by the Mandal Revenue Officer in such cases. Once it emerges that the land proposed to be sold by the petitioner was assigned to his father and ten years period had expired from the date of assignment, the fourth respondent cannot have any plausible objection for registering the document. Further, the fourth respondent is not vested with the power to decide the title or to refuse registration except where any lands are notified under Section 22-A of the Registration Act.

For the foregoing reasons, the writ petition is disposed of, directing that in case the petitioner sells the land in survey No.320/1 of Pottipadu village and presents the document for registration, the fourth respondent shall not insist on

permission by any revenue authority for sale of the land. There shall be no order as to costs.

31.05.2006

ksld